

**REPORT TO THE TWENTY-FOURTH LEGISLATURE
STATE OF HAWAII
2007 REGULAR SESSION**

**ACTIVITIES OF THE KANEOHE BAY REGIONAL COUNCIL
FOR THE YEAR 2006**



**SUBMITTED ON BEHALF OF THE
KANEOHE BAY REGIONAL COUNCIL**

BY THE

**DEPARTMENT OF LAND AND NATURAL RESOURCES
STATE OF HAWAII**

**IN RESPONSE TO
SECTION 200D-5, HAWAII REVISED STATUTES**

NOVEMBER 2006

Activities Of The Kaneohe Bay Regional Council For The Year 2006

Introduction

This annual report is prepared in accordance with Section 200D-5, Hawaii Revised Statutes (HRS), which requires the Kaneohe Bay Regional Council (Council) to report on its activities to the Governor and the Legislature.

The Council held public meetings during the year, on January 4, 2006, April 5, 2006, July 5, 2006 and October 4, 2006. Matters of business discussed during these meetings are reflected in the agendas and the minutes for same, copies of which are available through the Department of Land and Natural Resources (DLNR) Division of Boating and Ocean Recreation (DOBOR).

The Council has seven voting members appointed by the Governor and ex officio nonvoting members. Voting members include one representative from each of the following: the Kaneohe Neighborhood Board, the Kahaluu Neighborhood Board, the Kaneohe Bay Commercial Operators Association, the Kaneohe Bay Fishing Panel, the Kaneohe Bay Recreational Boating Association, the University of Hawaii/Hawaii Institute of Marine Biology (UH/HIMB), and the Office of Hawaiian Affairs (OHA).

Support to the Council

As in prior years, DOBOR provided the Council with administrative support for its meetings.

Summary of Discussions and Actions During 2006

The Council was guided by Section 200D-3, HRS, which sets forth the powers, duties and functions of the Council. The following are the significant presentations, discussions and actions taken by the Council in 2006.

1. Informational Presentations

The following presentations were made at Council meetings:

- Projects in Koolaupoko: water quality; water sheds; demonstration gardens as educational tools; virtual gardens on the Internet; the hydro modification device project and views on water related issues by Kia Okiwe, Kailua Bay Advisory Council (1/4/06).
- Water related issues, presented by Dr. Jim Anthony (1/4/06).
- “Marine Protected Area Policies” by Mark Mitsuyasu and Tony Beeching (4/5/06).
- A request for nine (9) additional Ocean Recreation Management Area ORMA decals for new watercraft used in his educational program on Kaneohe Bay by Ray Sanborn, President of Kama’aina Kids (7/5/06).

Presentations proposed for upcoming meetings:

- HIMB is planning to conduct a study and may make a presentation to the Council on the coral bleaching phenomena, as well as other environmental issues concerning Hawaii's coral reef ecosystems.

2. Concerns and Issues:

The following concerns and issues were brought up at Council meetings:

- House Concurrent Resolution 238 of the 2006 Legislative Session concerning requiring permits for flat-bottomed skiffs moored in Kaneohe Bay. The Council agreed that the administrative rules relating to flat-bottomed boats needs to be amended but that it was a time consuming process. (4/5/06)
- Senate Bill (SB) 2004 and Senate Concurrent Resolution (SCR) 98 of the 2006 Legislative Session, relating to the sandbar known as “Ahu O Laka”. Those measures were directed at preserving that feature from pollution and desecration. Council members unanimously voted to oppose SB 2004 and SCR 98. (4/5/06)
- The status of SB 2004 Conference Draft (CD) 1 concerning Ahu O Laka. DLNR Chairperson Peter Young requested input on SB 2004 CD1 and asked if rules for Ahu O Laka were needed. Based on a straw vote of those present, the Council voted 4 in favor with 1 opposed to sending a letter to the Governor to reaffirm their previous resolution in opposition to SB 2004 CD1. (7/5/06)
- Members expressed concern that the Kaneohe Bay rule package from 2001 had not moved forward. Chairperson Young stated that he would follow up on the status of those rules and report back to the Council. (7/5/06)
- A request by DBOR for language to amend the rules concerning the mooring of flat-bottomed boats and skiffs anchored on the mudflats around Kaneohe Bay (See, Hawaii Administrative Rules 13-235-35). The Council (Member Bill Sager) suggested a definition of flat-bottomed boats as a vessel less than 20’ in length with a girth not wider than 8’, having a bimini top. (7/5/06)
- An update given by Dr. Joanne Leong from UH/HMIB on activities being conducted at the Coconut Island facility in Kaneohe Bay reported on the use of sea urchins to control the spread of alien seaweed in the bay. (7/5/06)
- Observations that commercial operators or their customers near the sandbar were regularly seen outside their operating boundaries. The DOBOR representative said that he would pass the information on to DLNR’s Division of Conservation and Resources Enforcement (DOCARE). (7/5/06)
- Chairperson Young requested further input on rules for Ahu O Laka, and asked whether new rules were needed as he was in the process of preparing legislation for the 2007 Legislative Session. Member Robin Gay Makapagal indicated that more public education was needed instead of more rules for Ahu O Laka. This sentiment was echoed by most in attendance opposing any further rules for Ahu O Laka. (10/4/06)
- Chairperson Young reported that the Kaneohe Bay rule package from 2001 was currently being reviewed by the Department of the Attorney General. (10/4/06)
- Council member Kelvin Ching stated that recreational fishermen have developed a distrust

of government because of its attempt to close off fishing areas to the public. He further stated that no new rules were needed; rather, DLNR should focus its efforts on enforcing existing ones. (10/4/06)

- DOBOR reported that a new loading dock had been installed at Heeia Kea Small Boat Harbor to replace the one taken out of service earlier in the year and that additional work was planned at the harbor. (10/4/06)
- Council members asked why the Kokokahi Pier had not been rebuilt. DOBOR stated that it was probably because the law that allows for the construction of private piers did not include piers built by non profits and that an amendment had been sought for the past 2 years that would allow this but without success. (10/4/06)
- DOCARE reported on the status of a proposed field office on the North Shore to decrease response time and provide a place for DOCARE staff to conduct business without the need to return to Honolulu. DOCARE indicated that the division is interested in establishing a substation at Heeia State Park. The Council will take an official position at its next meeting. (10/4/06)